

HOUSE No.4957

The Commonwealth of Massachusetts

SO MUCH OF THE MESSAGE

FROM

HIS EXCELLENCY THE GOVERNOR

RETURNING WITH RECOMMENDATIONS OF AMENDMENTS

SECTIONS 8, 11 AND 12, 94, AND 107 OF THE GENERAL

APPROPRIATION BILL FOR FISCAL YEAR 2009

(SEE HOUSE, NO. 4900)

[AS RELATES TO ATTACHMENTS C TO F, INCLUSIVE]

[RETURNED UNDER ARTICLE LVI OF THE CONSTITUTION

AS AMENDED BY ARTICLE XC, SECTION 3 OF THE

AMENDMENTS TO THE CONSTITUTION].

July 13, 2008.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

July 13, 2008.

— ATTACHMENT C —

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 8 of House Bill No. 4900, "An Act Making Appropriations for the Fiscal Year 2009 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 8 requires the Commissioner of Revenue to report on preliminary tax revenues by the first and fifteenth days of every month. In general, I support the purpose of this section as consistent with my Administration's commitment to greater transparency in state government. However, as enacted, the language of this section is unworkable, because monthly revenues are often not available on the first day of the next month. Furthermore, reporting revenues in the middle of the month would be burdensome but would provide little useful information to the Legislature and the public.

For these reasons, I recommend that Section 8 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 8. Section 6 of chapter 14 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding the following paragraph:-

8. Shall prepare and submit a report of preliminary tax revenue collected each month. The commissioner shall submit this report to the governor, the chair and ranking member of the house committee on ways and means and the chair and ranking member of the senate committee on ways and means, on or before the fifth business day of the following month, but the commissioner shall submit the report for June on the day after the department completes the processing of June tax revenues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Deval Patrick', with a large, stylized initial 'D'.

DEVAL L. PATRICK,
Governor



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

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July 13, 2008.

— ATTACHMENT D —

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 11 and 12 of House Bill No. 4900, "An Act Making Appropriations for the Fiscal Year 2009 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 12 increases the base for determining cost-of-living increases for state and teacher retirees from \$12,000 to \$16,000, and Section 11 extends the retirement system funding schedule by three years to accommodate this cost. In general, I recognize the need of our retirees, most of whom are on limited fixed incomes, for this very modest cost-of-living adjustment. This need is less critical, however, for those receiving larger pension payments. Considering the existing size of our unfunded retirement liability, therefore, I recommend limiting this adjustment to those retirees whose annual pension payments are below \$40,000.

For these reasons, I recommend that Sections 11 and 12 be amended by striking out their text and inserting in place thereof the following 3 sections:-

SECTION 11. Section 22C of chapter 32 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 29, the words "June thirtieth, two thousand and 23" and inserting in place thereof the following words:- June 30, 2026.

SECTION 12. Section 102 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 32, 36 and 43, the figure "\$12,000" and inserting in place thereof, in each instance, the following figure:- \$16,000.

SECTION 12A. Subsection (b) of said section 102 of said chapter 32, as so appearing, is hereby further amended by adding the following sentence:- In any case where the former employee, spouse, or other beneficiary is receiving an annual retirement allowance, pension or annuity which is \$40,000 or more exclusive of additional annuity obtained by special purchase under paragraph (g) of subdivision (1) of section 22 or any similar law, the sum of \$16,000 referred to in this subsection shall be reduced to \$12,000.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK,
Governor.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
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July 13, 2008.

— ATTACHMENT E —

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 94 of House Bill No. 4900, "An Act Making Appropriations for the Fiscal Year 2009 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 94 transfers \$2 million to the District Local Technical Assistance Fund. In general, I support the use of these funds for local planning purposes. However, I prefer the mechanism that I proposed in my budget earlier this year, whereby the Division of Local Services will award competitive grants to municipalities, regional planning agencies and councils of government. I believe that this grant program will more effectively complement other recent efforts by the Legislature and my Administration to encourage regional cooperation and efficiency.

For these reasons, I recommend that Section 94 be amended by striking out the text and inserting in place thereof the following 2 sections:-

SECTION 94. Chapter 10 of the General Laws is hereby amended by inserting after section 69B, inserted by section 7 of the general appropriation act for fiscal year 2009, the following section:-

Section 69C. (a) There shall be established and set up on the books of the commonwealth a separate fund, to be known as the Regional Efficiency Assistance Grants Trust Fund, in this section called the fund. The fund shall consist of monies credited or transferred to the fund from any fund or source pursuant to law.

(b) The deputy commissioner of revenue for local services shall be the trustee of the fund. The deputy commissioner shall expend monies in the fund, without further appropriation but subject to approval of an annual spending plan

by the secretary of administration and finance, and in consultation with the department of housing and community development and other relevant agencies, to provide competitive grants to municipalities, regional planning agencies and councils of government, to encourage regional cooperation and efficiency. The deputy commissioner shall adopt regulations, after a public hearing, governing these expenditures.

SECTION 94A. Not less than 10 days after the effective date of this act, the comptroller shall transfer \$2,000,000 from the General Fund to the Regional Efficiency Assistance Grants Trust Fund, established in section 69C of chapter 10 of the General Laws.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a stylized flourish at the end.

DEVAL L. PATRICK,
Governor.



DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
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July 13, 2008.

— ATTACHMENT F —

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 107 of House Bill No. 4900, "An Act Making Appropriations for the Fiscal Year 2009 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 107 requires the Secretary of Administration and Finance to report to the Legislature on expenditures by the Division of Capital Management and Maintenance in fiscal year 2008. In general, I support the purpose of this section as consistent with my Administration's commitment to greater transparency in state government. However, as enacted, the language of this section imposes on the Division overly burdensome and costly duties. I believe the section's purposes can be substantially achieved in a less burdensome and costly manner.

For these reasons, I recommend that Section 107 be amended by striking out the text and inserting in place thereof the following text:-

SECTION 107. The secretary of administration and finance shall submit a report to the house and senate clerks, the house and senate committees on ways and means, and the joint committee on bonding, capital expenditures and state assets not later than January 31, 2009 on all expenditures of the division of capital asset management and maintenance in fiscal year 2008. This report shall include, but not be limited to: the total amount expended on salaries and benefits for the division's employees and outside contractors, the total amount spent on the administration of the division, the total amount spent on the design and development of the division's projects, the total amount spent on the construction and maintenance of the division's projects, the cost of maintaining the capital asset management information system, any other cost not included in

these categories, and the total cost of debt service supporting the administrative and salary expenditures of the division in fiscal year 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deval Patrick", with a large, stylized initial "D" and a flourish at the end.

DEVAL L. PATRICK,
Governor.